

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMUSEMENT INDUSTRY, INC. dba :  
WESTLAND INDUSTRIES; and PRACTICAL :  
FINANCE CO., INC., :

Plaintiffs, :

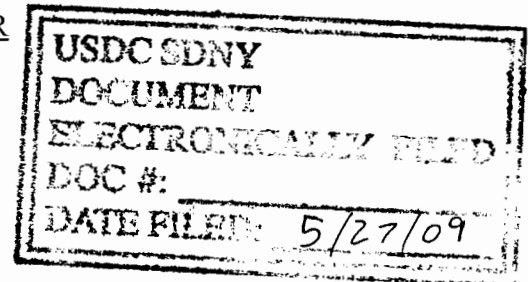
-v.- :

MOSES STERN, aka MARK STERN; JOSHUA :  
SAFRIN; FIRST REPUBLIC GROUP REALTY :  
LLC; EPHRAIM FRENKEL; and LAND TITLE :  
ASSOCIATES ESCROW, :

Defendants. :  
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07 Civ. 11586 (LAK) (GWG)

ORDER



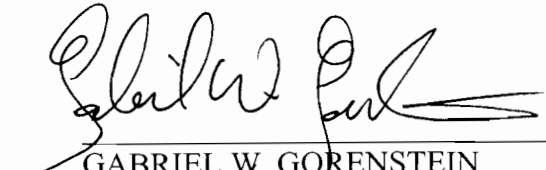
**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

Defendant Joshua Safrin filed a third-party complaint that contains claims against Herrick, Feinstein LLP (Docket # 203). Herrick has moved to dismiss the third-party complaint as against it (Docket # 233). In its reply memorandum of law in support of this motion (Docket # 284), Herrick raised several new arguments, including lack of subject matter jurisdiction, to which Safrin has had no opportunity to respond.

If Safrin wishes to respond to Herrick's new arguments, he may file a sur-reply brief on or before June 10, 2009.

SO ORDERED.

Dated: May 27, 2009  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge